

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. CV 9213
Subproceeding No. 05-02

ORDER ON MOTION FOR LEAVE
TO AMEND PLEADINGS

This matter is before the Court for consideration of the motion for leave to amend a pleading, filed by the Skokomish Indian Tribe. The Court finds such amendment appropriate, in view of the fact that this proceeding was originally initiated as a Counter-Request for Determination in a different subproceeding. The Skokomish Indian Tribe, as the requesting party, should have the opportunity to frame the issues in this matter. Although the Port Gamble and Jamestown S’Klallam Tribes have opposed the amendment as an attempt to limit the parties to this subproceeding, such limitation is impermissible under the principles and procedures established in this case.

Accordingly, the motion of the Skokomish Indian Tribe is GRANTED. The Skokomish shall promptly file, as a separate document following this Order, the amended pleading, a copy of which was attached to the motion. Dkt. # 49-3. For the purposes of clarity, such pleading shall bear the caption “First Amended Request for Determination. . . .” instead of being designated as a Counter Request. All

1 parties wishing to file a response to the Amended Request for Determination shall do so in accordance
2 with § (b)(4) of Paragraph 25 of the Permanent Injunction, as modified August 23, 1993. Parties who
3 have already submitted notices of appearance need not re-enter such notices.

4 Answers to the Amended Request for Determination shall be due on or before July 1, 2006.
5 Within ten days thereafter, the parties shall confer pursuant to F.R.Civ. Proc. 26(f). A revised Joint Status
6 Report shall be submitted on or before August 1, 2006.

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8 DATED this 1 day of May 2006.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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